

CHAPTER 46: LITTER CONTROL AND SOLID WASTE MANAGEMENT

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46-1. TITLE

This Chapter shall be known and may be cited as “The Dawson County Litter Control and Solid Waste Management Ordinance.”

46-2. DEFINITIONS

A. General

Except as otherwise provided herein, all words shall have the customary dictionary meaning unless specifically defined in the Georgia Comprehensive Solid Waste Management Act of 1990 as now or hereafter amended, or in the Rules of the Georgia Department of Natural Resources Environmental Protection Division. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word “shall” is always mandatory. The word “may” is permissive and is not mandatory. The “Board of Commissioners” refers to the Board of Commissioners of Dawson County, Georgia.

B. Specific Definitions

When used in this Chapter, the following words and phrases shall have the following meanings:

Biomedical Wastes means pathological waste, biological waste cultures and stocks of infection agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated, and other such waste materials.

Business Trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to business operations.

Commercial Solid Waste means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

Compactor means a bulk container used for the collection of garbage, refuse, trash and litter, equipped with a device to compact such materials and thereby increase the storage capacity of the containers. Compactors have generally been used to replace dumpsters.

Construction/Demolition Wastes means any material such as lumber, roofing material, brick, concrete block, plaster, gutters, sand, gravel or other substances used in repairs or alterations of existing buildings or construction of new buildings, or results from demolition of existing buildings.

Construction/Demolition Waste Landfill means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, other than putrescible wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

County means the duly authorized governing body of Dawson County, Georgia, or the geographical area of Dawson County, Georgia, outside the corporate limits of any incorporated municipality therein.

Dumpster means a container for the disposal of litter of a capacity of at least ten cubic yards and not more than 30 cubic yards. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

Garbage means Waste, Household Trash, Refuse, Hazardous Refuse, Rubbish, Debris, Litter, Vegetative Debris, Weeds, Yard Trimmings, Industrial Waste, or any derivations thereof, which means any organic or inorganic items, in any physical state or makeup or of any chemical composition, whether hazardous or nonhazardous or noxious or innocuous, that have been discarded.

Garbage bag means a plastic, or other similar nonporous materials, bag or sack designed specifically to contain garbage or household trash in a secure, airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

Hazardous means a condition which is a violation of this Chapter and which the applicable Public Officer has determined to be likely to result in the death, injury, or illness of a human or likely to result in severe damage to real or personal property.

Hazardous waste means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter, and explosives, or such other items that may be deemed to be hazardous waste under state or federal law.

Household Trash means every waste accumulation of paper, sweepings, dust, rags, bottles cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial Waste means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of the Georgia Hazardous Waste Management Act. (O.C.G.A. § 12-8-60 et seq.). Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Inoperable or Junked Vehicles means any automobile, Vehicle of any type, including, but not limited to, all-terrain vehicle (“ATV”), moped, motorcycle, or four-wheeler, a, trailer of any type, or any parts of any such automobile, vehicle, or trailer, which remains in place for more than seven (7) days as follows:

- a. Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- b. Which does not have a valid license plate where required; and/or
- c. Where it is incapable of movement by its own power.

Inoperable or Junk marine vessel means any vessel or Vehicle that is designed for use on the water, including, but not limited to, any boat, marine vessel of any type, including, but not limited to, personal watercraft, trailer for the movement of, or any parts of any such boat, marine vessel, or trailer, which remains in place for more than seven (7) days as follows:

- a. Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- b. Which does not have a valid vessel registration where required; and/or
- c. Where it is incapable of movement by its own power.

Landfill, Sanitary means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, including putrescible wastes or hazardous wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

Leachate Collection System means a system at a landfill for collection of the leachate, which may percolate through the waste and into the soils surrounding the landfill.

Litter means all garbage, refuse, waste materials, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals, or any other discarded, used or unconsumed substance which is not handled in accordance with the provisions of this Chapter.

Marshal's Office means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Chapter.

Municipal Solid Waste means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and including solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal Solid Waste Disposal Facility means any facility or location where the final disposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

Municipal Solid Waste Landfill means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Parking Lot means:

- a. an area, whether paved or unpaved, designated, reserved or used for the reserved parking of motor vehicles, excluding street parking, which has more than 10 parking spaces or can accommodate more than 10 parked vehicles;
- b. any commercial parking lot or garage; and
- c. the driveway, drive-through, parking spaces or other paved areas adjacent to convenience stores, gas stations, restaurants and other retail establishments.

Public officer means the individuals who are authorized to exercise the powers prescribed by this Ordinance or any agent or designee of such officer or officers. A public officer may be the County Manager, Planning Director, Building Official, Dawson County Environmental Health, the Dawson County Marshal's Office, the Dawson County Fire Marshal's Office and or the Dawson County Sheriff's Office, as applicable.

Public or Private Property means the right of way of any road, street or highway; and any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests. Any lot, unit, or parcel of land inclusive of any dwelling, building, structure, or improvements located thereon. This also includes vacant lots that do not have any dwelling, building, structure, or improvement located thereon.

Putrescible Waste means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage, and wastes, which are contaminated by such wastes.

Recycling means any process, by which material, which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Road or Street shall be mutually inclusive, and shall likewise be deemed to include any alley, lane, right-of-way, court, and other thoroughfare, however described or designated.

Rubbish means combustible and noncombustible waste materials and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust or other similar materials.

Scavenge or Scavenging means any unauthorized or uncontrolled retrieval of discarded solid waste or garbage materials.

Sharps means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.

Solid Waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Transfer Station means a designated location where members of the public may dispose of solid waste subject to the restrictions set forth in this Chapter. Waste collected at Transfer Station(s) will be periodically hauled to a landfill.

Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to, plaster, paper, wrappings, plant cuttings, household furnishings, furniture items, including, but not limited to, mattresses, box springs, bed frames, couches, and chairs used or salvaged building materials, packing and clothing, appliances, equipment, machinery, or parts thereof, scrap metal, scrap lumber, masonry blocks, disassembled vehicle parts or dismantled portions of vehicles.

Vehicle means any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, recreational vehicles, boats, personal watercraft, airplanes, train cars, and any means of conveyance which are designed to be pulled by motorized vehicles upon the roadway such as boat

trailers, wagons, balers, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to vehicles on the roadway.

Yard Trimmings means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative material resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

Exemptions. Provisions of these rules shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby adversely affect the public health. These rules shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle; provided that if such individual, corporation, partnership, or cooperative shall provide an approved disposal system which is capable of properly disposing of the run-off from a ten year storm such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in these rules shall limit the right of any person to use poultry or other animal manure for fertilizer.

C. Classification of Solid Wastes

1. Accepted Solid Wastes-Compactors. The following types of solid wastes shall be classed as “domestic solid wastes” and shall be accepted for disposal in compactors or dumpsters:
 - a. Garbage in garbage bags.
 - b. Household trash in garbage bags.
2. Accepted Construction/Demolition Wastes Landfill. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at construction/demolition wastes landfills:
 - a. Construction/demolition wastes.
 - b. Other types of non-putrescible solid wastes.
3. Accepted Solid Wastes-Sanitary Landfills. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at sanitary landfills:
 - a. Garbage,
 - b. Household trash,
 - c. Business trash,
 - d. Rubbish,
 - e. Litter, and
 - f. Some types of industrial waste when approved by appropriate State Environmental Protection Division permits.

4. Non-Accepted Solid Wastes. The following types of waste shall be classed as non-accepted solid wastes and shall not be accepted for disposal:
 - a. Some types of industrial waste
 - b. Hazardous wastes
 - c. Inoperable or Junked vehicles and parts thereof
 - d. Inoperable or Junked marine vessels and parts thereof
5. Recyclables. Materials for recycling may be separated for storage at each disposal site.

46-3. PUBLIC COLLECTION AND DISPOSAL

A. Public Compactors

1. The Board of Commissioners may designate areas in the County where Transfer Stations, intended to be for public use, are located and maintained. These Transfer Stations shall be located on public property, along the right of way of public roads and streets, or on private property with the express written consent of the owner and tenant in legal possession of the property, and shall be located in such a manner that there is a minimum danger of the spread of noxious odors and the detrimental effect on the environment is minimal.
2. It shall be unlawful for any person to place or deposit any garbage, refuse, litter, household trash or other material of any kind at a Transfer Station without authorization.
3. It shall be unlawful to place or deposit industrial waste or construction/demolition wastes at a Transfer Station.
4. It shall be unlawful to place or deposit any hazardous solid wastes of any kind at a Transfer Station.
5. It shall be unlawful for any person to dispose of or discard at a Transfer Station any hypodermic injection devices before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, any hypodermic syringe, needle, instrument or device and without safeguarding the disposal thereof by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.
6. No combustible liquid shall be placed or deposited at a Transfer Station. Non-Combustible Liquids are also prohibited unless they are solidified so that they cannot pass through a paint filter.
7. No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and well-being of the collection personnel or residents of the County, or which could contaminate the ground or surface water of the County, or which would pose a danger to the wildlife of the County, shall be placed or deposited at a Transfer Station.

8. It shall be unlawful to place or deposit any garbage or household trash at a Transfer Station without first placing and securing such in a garbage bag of suitable strength and thickness. Objects, which could puncture the garbage bag in the course of the ordinary and intended use thereof, shall be wrapped or protected so that the bag shall remain intact.
9. It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to a Transfer Station compactor, unless otherwise directed by on-site staff, and except that recyclable materials may be placed in designated containers where provided. Any person using a compactor shall clean up any spills caused by his use of the compactor and shall not drop or discard any garbage or household trash in the area surrounding the compactor.
10. Dead or live animals shall not be placed or deposited at a Transfer Station.
11. It shall be unlawful for a person to place more than two (2) cubic yards of rubbish in the compactors in any seven (7) day period.

B. Public Construction/Demolition Wastes Landfill and Sanitary Landfill

1. The County may operate and maintain public landfills located on County property in compliance with all applicable State and Federal laws and regulations, and may adopt procedures, rules and regulations to govern the operation and use of Municipal Solid Waste Landfill.
2. Public sites approved for the disposal of solid wastes shall be identified by appropriate directional signs posted near the roadside and at the location of the Dawson County Sanitary Landfill.
3. Such sites shall be maintained in use until permanently closed, at which time, additional authorized sites shall be opened and publicized by posting and through public advertisements.
4. The County may restrict certain sites or portions thereof to a specific type or types of solid wastes. The County may adopt operational policies concerning the separation, storage and use of recyclable materials. Citizens are encouraged to practice source separation of specific types of solid wastes for disposal at specific sites by different methods.
5. Commercial Collectors, including yard maintenance men, may use the public designated landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
6. Residents of the County and businesses located in Dawson County, other than commercial collectors, may use the public designated landfills upon payment of a fee to be set by the Board of Commissioners, in accordance with the regulations for the particular site and under the instruction of the site attendant.

7. Municipalities located within Dawson County may use the public landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
8. No solid wastes generated outside the County will be accepted at any disposal site operated by the County unless approved by a specific, affirmative act of the Board of Commissioners through amendment of this Chapter or adoption of superseding regulation.
9. Authorized public disposal sites shall be operated on the days established from time to time by the Board of Commissioners. During the hours designated by Board of Commissioners, acceptable solid wastes generated in the County shall be received for disposal from any resident of the County.
10. No person shall enter a disposal site, including any Transfer Station, except during the hours and days prescribed by the Board of Commissioners. All materials delivered and deposited for disposal in a disposal site shall immediately become the property of the County, unless the County refuses any such materials at the time it is presented for deposit in the disposal site, or the County, within a reasonable time, notifies the depositor of the unacceptability of the materials and to retrieve the materials.

46-4. PRIVATE COLLECTION AND DISPOSAL

A. Private Collectors

It shall be unlawful for any person to collect solid wastes within the County except from his or her own residence, business or industrial plant, without first having obtained a proper permit from the Georgia Department of Natural Resources and the County, and without first having obtained a Dawson County Business License. This provision includes the collection or transportation of solid waste by an individual for his or her neighbors. This provision shall not prohibit the utilization of centralized recycling collection facilities by persons not in the business of recycling. Commercial recyclers must obtain the aforementioned permits.

B. Private Landfills

1. It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used or used by others for the disposal or storage of waste within Dawson County. This shall not apply to Solid Waste Transfer Stations in operation at the time of adoption of this Ordinance, provided such existing Solid Waste Transfer Station at all times has maintained without interruption and shall maintain without interruption a current business license issued by Dawson County and any and all state and/or federal permits or licenses for the handling of solid waste.
2. For renewals of business licenses for Solid Waste Transfer Stations established prior to the adoption of this Ordinance the following shall apply:
 - a. No permit shall be issued by Dawson County until the applicant has shown, to the satisfaction of the Board of Commissioners, that all Federal, State and County

regulations and ordinances have been, and will be, complied with continuously and without interruption in the operation and management of the Solid Waste Transfer Station, and that the location of said Solid Waste Transfer Station is such that there is no or only minimal detriment to the environment, including but not limited to, noxious odors, runoff, or contamination of surface and ground water, so that the maximum protection is afforded to the health, safety and well-being of the citizens of Dawson County.

- b. No permit shall be issued except by resolution of the Board of Commissioners after notice of the application has been published by the applicant in a newspaper of general circulation in Dawson County. Such notice of the application shall run in the newspaper once a week for four consecutive weeks before the meeting of the Board of Commissioners in which the application is to be considered. The notice shall contain a description of the property whereon the Solid Waste Transfer Station is to be located, the names of the owner or owners of such property, the names of the operator or operators of the Solid Waste Transfer Station, and a description of the types of waste to be handled at said facility.
- c. It shall be the duty and responsibility of the owner of any Solid Waste Transfer Station site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.
- d. The Board of Commissioners hereby designate the Dawson County Marshal's Office as its designee and/or the Dawson County Sheriff's Office who shall have the right to enter a private Solid Waste Transfer Station at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this Chapter and all other pertinent laws and regulations of the County.

46-5. PRIVATE LITTER CONTROL

A. Commercial Establishments

1. Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and severally, to provide solid wastes containers of that character, size, number and type as to be reasonably required to hold solid wastes generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges and churches.
2. All commercial and industrial establishments shall store their solid waste in containers as specified in this Chapter so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Any spillage or overflow shall be immediately cleaned up by said establishment.

3. Bulk containers shall be locked at all times and posted with signage notifying the general public that said containers are for the private use of the establishment.

B. Loading and Unloading Areas

All loading and unloading areas shall be provided with solid wastes receptacles for loose debris, paper, packaging materials and other trash. The owner or occupant of the commercial establishment shall be responsible for the placement of the number of containers in said area necessary to maintain a clean, neat and sanitary condition at all times. The number of such containers to be placed in service for a particular establishment shall be as reasonably required to hold solid waste generated at the property. The occupant of the premises shall maintain surveillance to ensure that all litter is placed in the proper container and the area is kept clean.

C. Parking Lots

1. All parking lots and establishments with parking lots shall provide solid wastes receptacles. The number of such containers to be placed in service for a particular establishment shall be as reasonably required to hold solid waste generated at the property. Such receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or his agent to collect the solid wastes and trash deposited in such containers and store this material in a location until collected by a private hauler or to otherwise dispose of the same.
2. It shall be the obligation of all persons using the parking areas to place any litter in receptacles or containers and it shall be unlawful for any person or persons to dump, scatter, or throw on any parking lot, any solid wastes, garbage or trash of any kind.
3. The owner and the tenant in possession of any parking lot or establishment with a parking lot shall collect and remove on a regular basis all loose solid wastes, garbage, litter or trash of any kind from the parking lot and open area of the premises and shall maintain surveillance to insure that all solid wastes are placed in the proper container and the area is kept in a clean, neat and sanitary condition at all times.

D. Construction Sites and Demolition Sites

All construction and demolition contractors shall provide on-site solid wastes receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap construction/demolition wastes, and other trash produced by those working at the construction site. The site shall be kept in as litter-free condition as reasonably practicable. The number of solid wastes receptacles or bulk containers, or detachable containers, shall be adequate based upon the size of the job. If it appears that inadequate measures have been taken the County Marshal may require additional measures be taken to accommodate the amount of solid waste being produced. Dirt, mud, construction materials or other debris upon any public or private property belonging to a person other than the owner of the construction site shall be removed by the contractor as generated. Building material originating from private property preliminary to, during or

subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures shall be removed by the owner of the property or by the contractor. All solid wastes from construction and related activities shall be kept on site in such a manner as to eliminate wind-driven debris and unsightly litter in and about the site.

E. Residences and Private Properties

1. All owners or occupants of property shall maintain their property in litter-free condition. Every owner, occupant, tenant and lessee using or occupying a residence, apartment, duplex, or other dwelling, jointly and severally, are required to remove all litter, solid wastes, household trash, garbage and other solid wastes and dispose of the same by depositing in a public landfill or public compactor in accordance with this Chapter or by placing in proper containers in a suitable place readily accessible to sanitation collection crews or contracting with a private hauler to collect the same on a regular basis, but at least once each week. Where collection is conducted by means of curbside pickup, the containers shall be placed at the curb for pickup no earlier than twenty-four (24) hours prior to the scheduled pickup time and shall be removed from the curb no later than twenty-four (24) hours after the scheduled pickup time and placed out of view of the public street.
2. No person shall sweep into or deposit onto any street or sidewalk or adjacent property any accumulation of litter, garbage, grass or yard trimmings, or any other material from any building or property.

46-6. PRACTICES AND PROCEDURES

A. General

1. The following practices and procedures shall be employed by persons in Dawson County in order to facilitate the collection of solid waste:
 - a. Solid Wastes. All solid wastes shall be placed and maintained in containers as specified herein. All containers shall be maintained at all times with tight-fitting lids or covers.
 - b. Garbage. All garbage placed in containers for collection shall be wrapped, bagged, or enclosed in paper or plastic material.
 - c. Household Trash. Household trash may be combined with other bagged garbage.
 - d. Injurious Trash Items. All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, and television tubes shall be securely packaged or wrapped for the purpose of preventing injury to the collection crews or other third parties.

2. Dumping Unlawful. It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of solid waste on any road or street or any public or private property in the County, unless:
 - a. The litter is placed into a litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter.
3. Public Streets and Private Property. No person shall place any accumulations of solid waste, trash, grass or yard trimmings or any other material in any street, median strip, alley or other public place of travel, parking lot, upon any private property, except with the written consent of the owner of the property, and then only in accordance with the provisions of this Ordinance.
4. Blockage of Drainage. No person shall place any solid wastes, trash, solid wastes receptacles, or containers, grass or yard trimmings or any other material on, over or near any storm drain or drainage ditch, or so close thereto as to cause such material to interfere in any way with such drainage.
5. Unauthorized Storage. Any accumulation of solid wastes or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by this Ordinance, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of solid wastes after written notice from the Public Official shall raise the presumption that such person intended to violate this Ordinance.
6. Appliances. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, or discarded appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing therefrom the lock or door as provided in Official Code of Georgia Annotated § 16-11-100.
7. Use of Streets. It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without covers suitable to prevent the materials within such vehicle from shaking, blowing, falling, leaking or spilling from the vehicle. Suitable covering may vary from vehicle to vehicle, but the primary purpose of the cover shall be to prevent materials from escaping the storage area of the vehicle. This paragraph shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock. The operator of any vehicle from which any material or solid wastes are thrown, dropped, spilled or blown shall stop and retrieve such material and solid wastes.
8. Junk. It shall be unlawful for any person to place or leave outside any building or dwelling, any machinery, equipment, building material, junked motor vehicle, or other item which is either in a partially rusted, wrecked, junked, dismantled, or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of thirty (30) days after notice of violation of this Ordinance, shall be presumed to be abandoned and subject to being removed from the property by the County without further notice. The County may charge

the owner or occupant a fee for the cost of removing said item or items. This paragraph shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture, unless stated in ordinances of local government.

9. Scavenging. No person shall disturb or interfere with any container used for the purpose of storing solid wastes pending its collection or remove any contents therefrom or remove such container from its location.
10. Scattering of Solid Wastes and Littering. It shall be unlawful for any person to: (a) throw or deposit any solid wastes on any public or private street or to scatter such solid wastes or litter on public or private property; (b) throw or deposit any solid wastes, trash, or debris in any marsh area, stream, drainage ditch, body of water or beach area.

B. Contagious Disease Solid Wastes

The removal of clothing, bedding or other solid wastes from some or other places where highly infectious diseases have prevailed shall be decontaminated prior to removal under the supervision and direction of the Dawson County Health Department. Such solid wastes shall not be placed in receptacles or bulk containers for collection until decontaminated.

C. Hypodermic Instruments

No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, such as hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof, by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury or infection to the collection personnel or other parties.

D. Hazardous Waste and Industrial Waste

No hazardous waste or Industrial Waste shall be placed in any receptacle at any time. All hazardous waste shall be secured against the possibility of causing injury to any person and shall not be placed on public property or private property without the written consent of the State Environmental Protection Division and the owner thereof.

E. Yard Trimmings

1. It shall be unlawful to place or mix yard trimmings with municipal solid waste within Dawson County.
2. Yard trimmings shall not be disposed of at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion located within Dawson County.

Yard trimmings, including, but not limited to, grass, leaves and tree limbs shall be composted on the owner's premises or removed by the owner of the property and/or disposed of in a manner consistent with state law. This part shall not require the removal of wood cut and stored for later use as firewood. Tree and shrubbery branches, limbs and trimming cut by landscape or tree service contractors or other commercial workmen or resulting from land being cleared shall be removed by the person(s) or entity completing said work.

F. Receptacles and Containers

1. Every person in possession, charge or control of any building or residence from which trash, industrial waste or other waste is accumulated or produced shall provide and keep in a suitable place readily accessible to licensed private collectors' receptacles and containers suitable for the storage of all such waste materials which will normally accumulate between the established collection dates. This provision shall not be construed to require such persons to use the services of a licensed private collector for solid wastes removal so long as each person assures the removal and disposal of such solid wastes in a manner permitted by this Ordinance at least as frequently as private collector's normal schedule for the area, but in any event at least once each week.
2. All receptacles and containers as required by this Ordinance shall be constructed of an opaque, non-porous material such as metals, hard plastics or similar materials, or safe construction and design and shall be maintained in good, orderly and serviceable condition at all times. Any receptacle or container which does not conform to the requirements of this Ordinance, or which have ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents therefrom or the public generally, shall be promptly replaced by the user thereof.

G. Maintenance

It shall be the duty and responsibility of the owner of any private property and the tenant in possession of any private property, jointly and severally, to keep the property in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.

H. Burning

No garbage, solid wastes, litter or other trash shall be burned as a private means of disposal. This provision shall not be construed to prohibit commercial incinerators where appropriate and necessary approvals have been obtained from State and Federal authorities, a special permit is obtained from Dawson County, and the incinerator is operated and maintained in compliance with all applicable regulations.

I. Handbills and Advertising Matter

The distribution of information such as public announcement, political endorsement, opinions, invitation, solicitations, and commercial advertisements is an activity protected by both the U.S.

Constitution and the Georgia Constitution. This Section is to regulate and control litter incidental to the distribution of papers and packaging.

1. Unless otherwise prohibited by state or federal law, nothing herein shall restrict the placement of any handbill, circular, pamphlet, poster, or other literature on any automobile in the County so long as the same is secured to prevent wind-driven debris and unsightly litter.
2. Unless otherwise prohibited by state or federal law, nothing herein shall restrict the placement on any private property any handbill, circular, pamphlet, poster, postcard, newspaper or other literature or advertising device, so long as the following conditions are met:
 - a. Such publications and materials may be placed in a box provided for that purpose, secured to a doorknob or placed in a secure area of a building such as a door jamb or screen door; or
 - b. Such publications and materials may be placed or thrown on to private property so long as the distributor of such materials “sweeps” the distribution area and retrieves all remaining items within four (4) days of distribution. This procedure shall be referred to as “sweeping.” Any papers distributed and not “Swept” from private property, vacant lands, and/or public rights of way become litter under this ordinance after four (4) days, and citations can be issued pursuant to this ordinance for violations thereof.
3. Should such publications and materials be placed or thrown on to private property and the owner of said property notifies the publisher in writing that he/she does not wish to receive such publications at a particular street address, continued delivery of publication directly to said property by the publisher or his/her agents shall constitute a violation of this Ordinance. Absent a written expression of intent to the contrary, a property owner shall be presumed to consent to delivery by such means.
4. It shall be unlawful for any person to tack, post, or nail any paper, metal, wood or other signs of any character on any telegraph, telephone or electric light pole, located in any public right-of-way or in any means erect said signs within the public right-of-way.

J. Dead Animals

1. Any person who owns or is caring for an animal which has died or been killed shall dispose of said dead animal in the manner provided for in either the Georgia Dead Animal Disposal Act, O.C.G.A. § 4-5-1 et seq.; the Rules and Regulations of the Georgia Department of Agriculture, Chapter 40- 16-2; or the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq., as applicable.

K. Lead Acid Vehicle Batteries

No person shall place or dispose of a lead acid vehicle or boat battery in any compactor, dumpster, or landfill located in Dawson County, Georgia, or otherwise discard or dispose of a lead acid

vehicle or boat battery except by delivery to a battery retailer or wholesaler, to a secondary lead smelter, or to a collection or recovered materials processing facility that accepts lead acid vehicle or boat batteries.

L. Motor Oil

No person shall place or dispose of motor oil in any compactor, dumpster, or landfill located in Dawson County, Georgia, or otherwise discard or dispose of motor oil except by delivery to a recycling collection facility or a disposal facility authorized and specifically designed to accept motor oil.

M. Recyclable Material

The collection, transportation, handling, storage and conversion of recyclable materials shall be permitted so long as such activities conform to the requirements of State law.

N. Biomedical Wastes

All biomedical wastes shall be handled and disposed of in accordance with the Rules of the Georgia Department of Natural Resources Environmental Protection Division and the Georgia Comprehensive Solid Waste Management Act of 1990, as now or hereafter amended.

46-7. COMMUNITY HEALTH AND WELFARE

A. Declared Nuisances

Declared Nuisances shall be governed by the Dawson County Nuisance Abatement Ordinance. Declared Nuisances shall not apply to poultry farms, agricultural activities and or farm operations which are in compliance with state guidelines regarding the same.

B. Trash

Within the County, it shall be unlawful for any person to maintain his premises, including vacant lots or land, in such a way as to allow trash, garbage or miscellaneous solid wastes to accumulate if the condition of the property causes a nuisance, or causes injury to the health or welfare of residents in the vicinity, or causes injury to neighboring property.

46-8. ENFORCEMENT

A. Enforcing Officers

The Dawson County Marshal's Office and or the Dawson County Sheriff's Office or designee shall be authorized to issue citations to violators of any provision of this Ordinance or to the owner or any other person who may be in possession of any property upon which any condition exists, which constitutes a violation of any provision of this Ordinance. Such citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the

accused is charged, shall have an identifying number by which it shall be filed with the Court, shall indicate the identity of the accused and the date of service, and shall be signed by the representative of the Public Official who completes and serves it.

B. Rebuttable Presumptions

1. Whenever solid waste is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this Ordinance, it shall be prima-facie evidence that the operator of the conveyance has violated this Ordinance. In the case of a commercial or private hauler if the operator is unknown, then it shall be prima-facie evidence that the company or owner of the service has violated this Ordinance.
2. Whenever any solid waste which is dumped, deposited, thrown, or left on public or private property in violation of this Ordinance is discovered to contain any article or articles, including but not limited letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Ordinance.
3. Whenever this Ordinance is violated by an employee or agent, then the employer or principal shall be rebuttably presumed to have violated this Ordinance.

C. Enforcement

This Chapter shall be enforced by the appropriate Public Officer as may be applicable to the particular offense.

D. Penalties

1. The applicable Public Officer is hereby authorized and directed to administer and enforce all the provisions of this Chapter. Failure to comply with any requirement of this Chapter shall constitute a violation subject to citation and penalty as provided herein.
2. Upon the first violation of any of the provisions of this Chapter, a warning notice shall be issued by the Public Officer with a notice to cure the violation within a time determined reasonable under the circumstances by the Public Officer. Upon the second violation of any of the provisions of this Chapter, a citation shall be issued, and the individual shall go before the Dawson County Magistrate Court. Upon conviction by a court of competent jurisdiction, the offending person will be guilty of a criminal misdemeanor and shall be subject to criminal penalties not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance. For purposes of sentencing, the first citation before the Magistrate Court shall be deemed the "first offense," however; consideration may be given by the court to the previous warning citation.

3. Nothing contained in this section shall be construed to preclude Dawson County from pursuing any and all other remedies provided by law, including, but not limited to, pursuit of a restraining order, injunction, abatement of the nuisance, condemnation, or other appropriate legal action, or proceeding through a court of competent jurisdiction to prevent, restrain, or abate the unlawful use or activity.
4. Each violation of this Chapter shall constitute a separate offence. Additionally, each day of noncompliance with the terms of this Chapter is considered a separate offense and the offending person will be subject to the penalties in subsection B above for each day of noncompliance.